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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA
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10 UNITED STATES OF AMERICA,
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12 Plaintiff,

13 v.

14 JENNIFER BYERS,
15 Defendant.

CASE NO. CR10-5314RJB

ORDER GRANTING DEFENDANT
JENNIFER BYERS' MOTION FOR
MODIFICATION OF CONDITIONS
OF PROBATION, TO WIT,
ELECTRONIC HOME DETENTION

16 This matter comes before the court on the above-referenced motion (Dkt. 173). The court
17 has considered the documents filed in support of and in opposition to the motion and is fully
18 advised. For the reasons stated below, the motion should be granted.

19 From the showing made by defendant, it appears that the "law of unintended
20 consequences" applies. The electronic monitoring requirement, designed by the court as part of
21 defendant's punishment for her offenses, is, in practical application, a greater penalty than
22 necessary, considering the history and characteristics of the defendant. Instead of providing just
23 punishment, the requirement provides excessive punishment under defendant's circumstances. It

24 ORDER GRANTING DEFENDANT JENNIFER
BYERS' MOTION FOR MODIFICATION OF
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ELECTRONIC HOME DETENTION- 1

1 appears that the electronic home monitoring condition is beyond defendant's reasonable ability to
2 comply with its requirements, and to maintain the health and safety of herself and her family.
3 Accordingly, pursuant to 18 U.S.C. § 3553, the defendant Jennifer Byers' motion to modify the
4 terms of her probation by eliminating the electronic home monitoring requirement should be
5 GRANTED and the special condition of electronic home monitoring should be STRICKEN.

6 IT IS SO ORDERED.

7 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
8 to any party appearing *pro se* at said party's last known address.

9 Dated this 27th day of December, 2011.

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12 ROBERT J. BRYAN
United States District Judge
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